IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

WP(C).No. 4979 of 2006(P)

PETITIONER:

K.J.THOMAS, AGED 58 YEARS,
S/O.K.T.JOHN, KANNAKKARA, PUNNAMOODU,
KOODAL P.O., PATHANAMTHAITTA DISTRICT.

BY ADV. SRI.P.B.SAHASRANAMAN

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY ITS SECRETARY(TAXES), SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE COMMISSIONER OF COMMERCIAL TAXES, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.4979/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE MEMO OF CHARGES ISSUED BY THE 2ND RESPONDENT, NO.A5.25985/02/TX(i) DT. 25.7.02.

EXT.P2:- COPY OF THE ORDER NO.A5.25985/02/TX, DT.23.10.02 ISSUED BY THE DEPUTY COMMISSIONER (GENERAL) IN CHARGE OF JOINT COMMISSIONER I, DT. 23.10.02.

EXT.P3:- COPY OF THE SHOW CAUSE NOTICE NO.8062/D1/04/TD, DT. 11.5.04.

EXT.P4:- COPY OF THE REPLY SENT BY THIS PETITIONER TO THE 1ST RESPONDENT, DT. 31.8.04.

EXT.P5:- COPY OF THE HEARING NOTICE SUBMITTED BY THIS PETITIONER BEFORE THE IST RESPONDENT, DT. 1.2.05.

EXT.P6:- COPY OF THE COMMUNICATION FROM THE SENIOR ACCOUTNS FOFICER, INDIAN AUDIT AND ACCOUNTS DEPARTMENT TO THE SUB-TREASURY OFFICER.

/TRUE COPY/

P.A. TO JUDGE

tss

V. GIRI ,J.

WP(C).NO.4979 of 2006

Dated this the 23rd day of October, 2007

JUDGMENT

The petitioner retired from service as a Sales Tax Officer on 31.10.2002. His grievance is non-disbursal of the retirement benefits due to him.

2. Insofar as the DCRG due and admissible to the petitioner is concerned, it is now admitted that no liability as such has been fixed as against the petitioner. The second respondent shall take appropriate action to see that DCRG payable to the petitioner is disbursed within one month from the date of receipt of a copy of this judgment. Insofar as the pension is concerned, it is conceded by the learned counsel for the petitioner that in separate orders, there was a direction for reduction of the pension payable to the petitioner. It seems that there were two disciplinary proceedings pending against the petitioner at the time of retirement. One was finalised after vigilance enquiry by G.O.MS 55/2005 dated 7.9.2005. The punishment imposed was reduction of pension at the rate of Rs.200/= per month for a period of one year. Punishment has worked itself out. Insofar as the second case is concerned, the same has also been finalised as evidenced by G.O.(MS)195/2007 dated 11.9.2007 by which there is a

direction for reduction of Rs.100/= per month from the pension payable to the petitioner on a permanent basis. Petitioner submits that he is taking separate steps to challenge the order dated 11.9.2007. Subject to the reduction ordered by the Government as per the Government order dated 11.9.2007, the pension due to the petitioner may be disbursed and appropriate action may be taken, in this regard, by the first respondent within a period of one month from the date of receipt of a copy of this judgment. The petitioner's right to challenge the reduction of pension as per GO(MS) 195/2007 dated 11.9.2007 is left intact.

The writ petition is disposed of as above.

V. GIRI, JUDGE

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